

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

KUMAR NAHARAJA,
Plaintiff[a Crime Victim],^{1,2}

v.

Thomas Kenneth Koch,
—an individual, and employee of
Medical University of South Carolina
&

Thomas Gregory Cooney,
*Chair, Governance Committee (2023) &
Immediate Past Chair, Board of Regents
American College of Physicians,*
—an individual, and employee of
Oregon Health and Science University SOM,
AND

Carter Davidson Wray, Erika Lee Finanger,
Donald E Girard, Patrick Brunett, Joseph Pinter,
Daniel Gibbs, Jeff Kraakevik, Jason Coryell,
Dana Braner, Stephen A.Back, Barry Russman,
Frances Biagioli, Colin Roberts, & Michele
Mass, Cynthia Ferrell (decedent)
—*Current & Former* members of OHSU
Practice Plan, and

Sue Simmons
—*a former employee* of Oregon Health and
Science University

Defendants, All Individuals,
[Individually, and in official capacity]

CASE No. 2:23-cv-100-RMG-MGB

COMPLAINT

18 U.S. Code § 1595 (a)

**Trafficking Victims Prevention & Protection
Reauthorization Act of 2022**
(Signed into Public Law: 01/05/2023)

U.S. CONST. amend. XIII, § 1

18 U.S. Code § 1962 (c) & (d)

U. S. CONST. amend. XIV, § 1

JURY TRIAL REQUESTED

¹ Plaintiff's Graduate Medical Education & employment was unlawfully, with criminal intent, disrupted after subjecting Plaintiff to Coercion and Involuntary Servitude in the Second Degree and was terminated on 08/30/2013 by "a pattern of criminal activity" with fraudulently concealed criminal motives and perpetrated by 17 supervisors—members of OHSU Practice Plan & a GME administrator at OHSU School of Medicine, Portland, Oregon. 18 U.S.C § 1962 (c) & (d) [*Racketeer Influenced & Corrupt Organizations; Prohibited Activities*], 18 U.S.C § 1961(5). In *United States v. Benton*, the Fifth Circuit defined motive as "the reason that nudges the will and prods the mind to indulge the criminal intent." 637 F.2d 1052, 1056-57 (5th Cir. 1981).

² See City of Portland, Portland Police Bureau [PPB] Police Report, PPB Case No.14-84393.

UNITED STATES DISTRICT COURT

for the

District of South Carolina



____ Columbia/Charleston ____ Divisor

KUMAR NAHARAJA

Case No. 2:23-cv-100-RMG-MGB

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Thomas Kenneth Koch, an employee of MUSC
Thomas Gregory Cooney, and Carter Davidson Wray,
et al, members of OHSU Practice Plan. See Page 1.

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Jury Trial: (check one) ☒ Yes ☐ No

COMPLAINT FOR A CIVIL CASE

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I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	KUMAR NAHARAJA
Street Address	Confidential under Oregon Judicial Department Uniform Trial Court
City and County	Rules [(UTCR 2.130 (2)(a))] [See Confidential Information Form at att]
State and Zip Code	City of Hillsboro, Oregon 97124
Telephone Number	503-610-8646
E-mail Address	nahar002@umn.edu

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	Thomas Kenneth Koch
Job or Title <i>(if known)</i>	Individual, an employee of Medical University of South Carolina
Street Address	171 Ashley Avenue
City and County	Charleston
State and Zip Code	South Carolina 29425
Telephone Number	843-876-0444
E-mail Address <i>(if known)</i>	

Defendant No. 2

Name	Thomas Gregory Cooney
Job or Title <i>(if known)</i>	Portland VA Medical Center,
Street Address	3710 SW US Veterans Hospital Rd
City and County	City of Portland, Multnomah County
State and Zip Code	OR 97207
Telephone Number	503-220-8262
E-mail Address <i>(if known)</i>	Address listed is practice location as per Oregon Medical Board

Defendant No. 3

Name	Carter Davidson Wray
Job or Title <i>(if known)</i>	Individual, a member of OHSU Practice Plan
Street Address	707 SW Gaines St, CDRC-P
City and County	City of Portland, Multnomah County
State and Zip Code	Portland, OR 97239
Telephone Number	503-494-9113
E-mail Address <i>(if known)</i>	Address listed is practice location as per Oregon Medical Board

Defendant No. 4

Name	Erika Lee Finanger
Job or Title <i>(if known)</i>	Individual, a member of OHSU Practice Plan
Street Address	707 SW Gaines Street CDRC-P
City and County	City of Portland, Multnomah County
State and Zip Code	Portland, OR 97239
Telephone Number	
E-mail Address <i>(if known)</i>	Address listed is practice location as per Oregon Medical Board

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*



Federal question



Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

18 U.S.C § 1584 [Sale into involuntary servitude]; 18 U.S.C § 1589 [Forced labor]; 18 U.S.C § 1590 [Trafficking...peonage, slavery, involuntary servitude, or forced labor]; 18 U.S.C § 1595 (a)[Civil remedy], U.S. CONST. amend. XIII, § 1; 18 U.S.C § 1962 (c) & (d) [Racketeer Influenced & Corrupt Organizations; Prohibited activities]; 18 U.S.C § 1111 [Murder], 18 U.S.C § 1031 [Major Fraud against United States]; 18 U.S.C § 3663A; 18 U.S.C § 3771; Jurisdiction conferred by 28 U.S.C. § 1331

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* KUMAR NAHARAJA is a Resident of _____, is a citizen of the State of *(name)* Oregon.

b. If the plaintiff is a corporation

The plaintiff, *(name)* ***Not Applicable***, is incorporated under the laws of the State of *(name)* _____, and has its principal place of business in the State of *(name)* _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, *(name)* Thomas Kenneth Koch, is a citizen of the State of *(name)* South Carolina. Or is a citizen of *(foreign nation)* _____.

b. If the defendant is a corporation

The defendant, (name) Oregon Health and Science University, is incorporated under the laws of the State of (name) Oregon, and has its principal place of business in the State of (name) Oregon.
 Or is incorporated under the laws of (foreign nation) ***Not Applicable***, and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

additionally, Plaintiff is entitled to relief pursuant to statutory provisions of 18 U.S. Code § 1031 (h)(2) [Major Fraud against United States]. Allegations that comport with 18 U.S. Code § 1031 were timely filed but could not proceed in the U.S. District Court, District of Oregon due to conflict of interests in connection with covered matters which Plaintiff reasonably believes that the United States has a direct and substantial interest. 18 U.S.C § 205 (a)(2).

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

Plaintiff's Graduate Medical Education (GME) & employment was unlawfully, with criminal intent, disrupted by defendants after subjecting Plaintiff to Coercion & Involuntary Servitude in the Second Degree between 01/11/13 to 04/14/13. ORS § 163.275(1)(h), ORS § 163.263(1)(e). Under direction of defendant Thomas Koch, in furtherance of a criminal conspiracy, other named defendants employed def. Thomas G. Cooney who terminated Plaintiff's education & employment on 08/30/2013 by "a pattern of criminal activity" with fraudulently concealed criminal motives to avoid and/or frustrate efforts to investigate, arrest, prosecute, and to bring to justice the perpetrators for Criminal activity. The crimes were perpetrated by 17 supervisors—members of OHSU Practice

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Plaintiff prays the Court to grant relief mandated by 18 U.S. Code § 1031 (h)(2) and any other statute that justice so requires, including and not limited to Reinstatement to former position in the Graduate Medical Education program at OHSU; All Relief necessary to make Plaintiff whole. Such relief shall include & not limited to Reinstatement with same seniority status that Plaintiff would have had but for the discrimination & criminal acts perpetrated by defendants, twice the amount of back pay, interest on the back pay, and compensation for any special damages sustained as a result of defendants' crimes, discrimination, fraud including litigation costs &

attorney's fees, and Relief mandated for Crime Victims by 18 U.S.C § 3663A [Mandatory restitution to victims of certain crimes]. Additionally, Plaintiff prays the Court to grant relief mandated by the Trafficking Victims Prevention & Protection Reauthorization Act of 2022.(Signed into Public Law: 01/05/2023). See Ex. 1, infra. (Ex.1: Sponsor: Sen. Grassley, Chuck [R-IA] (Introduced 03/29/2022); S.3949 - Trafficking Victims Prevention and Protection Reauthorization Act of 2022, 117th Congress (2021-2022). Roster of Actions in Legislative Process; Signed into Public Law: 01/05/2023)

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 01/06/2023

Signature of Plaintiff

Printed Name of Plaintiff KUMAR NAHARAJA

B. For Attorneys

Date of signing: _____

Signature of Attorney _____

Printed Name of Attorney _____

Bar Number _____

Name of Law Firm _____

Street Address _____

State and Zip Code _____

Telephone Number _____

E-mail Address _____